

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT  
OF ALABAMA NORTHERN DIVISION**

**CARL LEWIS**  
**PLAINTIFF,**

**VS.**

**CITY OF MONTGOMERY, ET. AL.,  
DEFENDANT.**

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**) Civil Action No. 2:06-CV-237-CSC**

**AFFIDAVIT OF CARL LEWIS**

Before me, the undersigned authority in and for said county and state personally appeared Carl Lewis who is known to me and being duly sworn, deposes and says under oath as follows:

1. My name is Carl Lewis. I am over the age of nineteen (19) and I have personal knowledge of the matter set forth herein.
2. I am the Plaintiff in the above styled case.
3. I was employed with the City of Montgomery on a full-time basis since 1992.
4. I am personally aware that John Hooper was supervised by Royce Albright and he was a small engine motorcycle mechanic.
5. I am personally aware that prior to the time that Mr. Hooper applied for extended leave under the Family and Medical Act, Mr. Hooper took time off without the benefit of leave.
6. I personally witnessed Mr. Hooper take time off of work without leave and as a result was not paid for the days he missed.
7. I am personally aware that Mr. Hooper did not have any sick leave or annual leave.




8. I had to take a week off of work in December of 2005, without pay because I had the flu. At the end of December 2005, I took a day off of work to attend my nephew's funeral. Mr. Albright and I had a conference to discuss the time I took off. I took a day off in January 2006, due to a knee injury I sustained at work. The time I took off is documented in my personnel file.

James Barnes

9. I am personally aware that James Barnes was a small engine motorcycle mechanic and was supervised by Royce Albright.
10. James Barnes took several days off of work without leave before he applied and received approved leave. My leave was also pre-approved. James Barnes personally told me that, "he did not have any leave."
11. I am personally aware that James Barnes was late on a number of occasions, because we worked on the same team and I personally observed his lateness.
12. I am personally aware that James Barnes was not disciplined for his tardiness. I was a victim of Hurricane Ivan and as a result, my living conditions were difficult. Management was aware that I was a victim of Hurricane Ivan and the problems I was having getting to work. Once management approached me about my alleged tardiness, they presented me with six (6) allegations of tardiness at once.

Paul Ammons

13. I am personally aware the Paul Ammons was a welder.
14. I am personally aware that the welding position that Paul Ammons held and the small engine motorcycle mechanic position were on the same pay scale.
15. Paul Ammons personally told me that, "he had taken time off without leave and he was not disciplined."

  
Carl Lewis

**STATE OF ALABAMA  
COUNTY OF MONTGOMERY**

On this the 31<sup>st</sup> day of July 2007, before me, the undersigned Notary Public, in and for said State and County, personally appeared, Carl Lewis who is known to me, and states that the foregoing information is true and correct to the best of his information, belief and knowledge, and that he executed same voluntarily on the day the same bears date.

  
NOTARY PUBLIC

My Commission: 3/25/08